

FILED

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF VIRGINIA

2007 SEP 10 P 2:40

CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

**BERNARD D. MYERS,**

**Plaintiff,**

**v.**

**AIR SERV CORPORATION,  
JALAL AZIZ, US AIRWAYS, INC.  
UNITED AIR LINES, INC, and  
METROPOLITAN WASHINGTON  
AIRPORT AUTHORITY,**

**Defendants.**

CIVIL ACTION NO. 1:07cv911

WDK-TRJ

**NOTICE OF REMOVAL**

COMES NOW, Defendant AIR SERV CORPORATION (hereinafter "Air Serv"), by and through undersigned counsel, and pursuant to 28 U.S.C. §1332(a) and 28 U.S.C. §1441, hereby petitions for the removal of the captioned matter from the Circuit Court of Fairfax County, Virginia, to this Honorable Court. In support hereof, Defendant Air Serv states as follows:

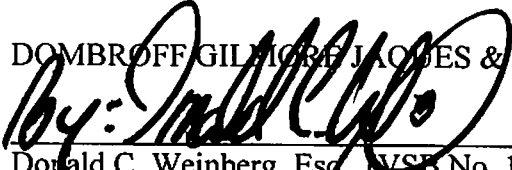
1. Plaintiff instituted the captioned matter on or about August 8, 2007 in the Circuit Court of Fairfax County, Virginia, assigned as Case No. CL-2007-9576.
2. Plaintiff avers he is a resident of Charleston, South Carolina. (Complaint, ¶1).
3. Defendant Air Serv is a Georgia corporation authorized to do business in the Commonwealth of Virginia.
4. Defendant Jalal Aziz, upon information and belief, and by Plaintiff's allegation, is a resident of the Commonwealth of Virginia. (Complaint, ¶3).
5. Defendants US Airways and United Air Lines, upon information and belief, and by Plaintiff's allegations, are Delaware corporations authorized to do business in the Commonwealth of Virginia. (Complaint, ¶¶ 4-5).
6. Defendant Metropolitan Washington Airports Authority, upon information and belief, and by Plaintiff's allegation, is a body politic created by the Commonwealth of Virginia and the District of Columbia. (Complaint, ¶6).

7. None of the Defendants are South Carolina corporations or residents.
8. Thus, there is complete diversity of citizenship between the Plaintiff and all Defendants.
9. Plaintiff alleges a personal injury for which he presents an *ad damnum* seeking judgment against the Defendants in the amount of Five Million and No/100's Dollars (\$5,000,000.00). Plaintiff has thus presented an amount in controversy in excess of the jurisdictional threshold of \$75,000 for federal diversity jurisdiction.
10. Plaintiff's Complaint was served on Defendant Air Serv through its registered agent for service of process on August 21, 2007, and less than thirty (30) days have elapsed between the time of service and the time of this Notice of Removal. As such the Notice and petition presented herein are timely.
11. Consistent with the requirement of 28 U.S.C. §1446(a), served herewith and attached as Exhibit A is a true and correct copy of all process, pleadings, and orders served upon this Defendant.
12. A copy of this Notice of Removal has been simultaneously filed with the Clerk of Court for the Circuit Court of Fairfax County, Virginia. A review of the Court's file on this matter on Friday, September 7, 2007, revealed that no other Defendant other than Air Serv has yet been served with process and no other appearances have been entered.

WHEREFORE, based on the foregoing, Defendant Air Serv respectfully requests this Honorable Court grant the petition asserted in this Notice of Removal, accept original jurisdiction over the captioned matter, and remove the matter from the Circuit Court of Fairfax County, Virginia.

Respectfully submitted,

DOMBROFF GILMORE JACOBS & FRENCH

By:   
Donald C. Weinberg, Esq. (WSB No. 17378)

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Penthouse

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COUNSEL FOR DEFENDANT

AIR SERV CORPORATION


**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Removal was deposited in the United States Mail first class postage prepaid, and directed to the following counsel of record, this 10th day of September 2007:

Kevin W. Ryan, Esq.  
MICHIE HAMLETT LOWRY  
RASMUSSEN & TWEEL PLLC  
500 Court Square, Suite 300  
Post Office Box 298  
Charlottesville, Virginia 22902

Caroline M.W. West, Esq.  
LAW OFFICES OF GEDNEY HOWE, III, P.A.  
8 Chalmers Street  
Post Office Box 1034  
Charleston, South Carolina 29402

COUNSEL FOR PLAINTIFF

  
\_\_\_\_\_  
DONALD C. WEINBERG

**Service of Process  
Transmittal**

08/22/2007

Log Number 512519570

**TO:** Megan Jones, Sr. Corporate Counsel  
Air Serv Corporation  
3399 Peachtree Road NE, Suite 1800  
Atlanta, GA, 30326

**RE:** Process Served in Virginia

**FOR:** Air Serv Corporation (Domestic State: GA)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Bernard D. Myers, Pltf. vs. Air Serv Corporation, et al., Dfts.  
**DOCUMENT(S) SERVED:** Summons, Complaint, Interrogatories and Request  
**COURT/AGENCY:** Fairfax County Circuit Court, VA  
Case # CL-2007-0009576  
**NATURE OF ACTION:** Personal Injury - Slip/Trip and Fall - 11/04/05 - Seeking in excess of \$1,000,000.00  
**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Glen Allen, VA  
**DATE AND HOUR OF SERVICE:** By Process Server on 08/21/2007 at 10:05  
**APPEARANCE OR ANSWER DUE:** Within 21 days after service - Answer // Within 28 days after service - Interrogatories  
and Production of documents  
**ATTORNEY(S) / SENDER(S):** Kevin W. Ryan  
Michie Hamlett Lowry Rasmussen & Tweel PLLC  
500 Court Square, Suite 300  
Charlottesville, Va, 22902  
(434) 951-7200  
**ACTION ITEMS:** SOP Papers with Transmittal, via Fed Ex Standard Overnight, 798246520012  
Email Notification, Megan Jones mjones@airservcorp.com  
Email Notification, Matt Patterson mpatterson@airservcorp.com  
**SIGNED:**  
**PER:** C T Corporation System  
**ADDRESS:** Emmett Hickam  
4701 Cox Road  
Suite 301  
Glen Allen, VA, 23060  
**TELEPHONE:** 804-217-7255

Page 1 of 1 / TB

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